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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,412	11/20/2003	Kazunori Mototsu	0397-0471P	5551
2292	7590	03/26/2007	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			NGUYEN, SANG H	
PO BOX 747				
FALLS CHURCH, VA 22040-0747			ART UNIT	PAPER NUMBER
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SHORTENED STATUTORY PERIOD OF RESPONSE		NOTIFICATION DATE		DELIVERY MODE
3 MONTHS		03/26/2007		ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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mailto:[mailroom@bskb.com](mailto:mailroom@bskb.com)

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/716,412	MOTOTSU, KAZUNORI
	Examiner Sang Nguyen	Art Unit 2886

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 December 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-27, 29 and 30 is/are pending in the application.
- 4a) Of the above claim(s) 31-46 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-27, 29 and 30 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Response to Amendment***

Applicant's response to amendment 12/26/06 has been entered. It is noted that the application is pending claims 1-27 and 30 and claims 31-46 are withdrawn and claim 28 has been canceled by the amendment on 12/26/06.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

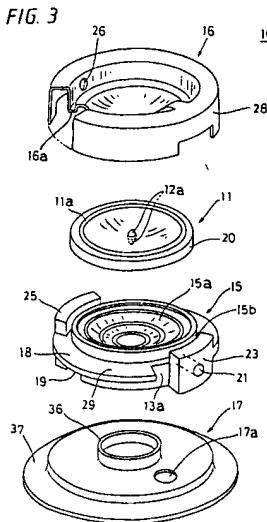
(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

**Claims 15-25 and 27 are rejected under 35 U.S.C. 102(a) as being anticipated by Takashima et al (U.S. Patent No. 6,631894).**

**Regarding claims 15;** Takashima discloses a partition member comprising:

A partition member (10 of figure 3) having a base (i.e., a partition main member [15 of figure 3] and a partition retaining plate [17 of figure 3]) having a through-hole (36 of figure 3) through which a sample (e.g., liquid) is allowed to pass (figures 1-3); and a projecting portion (16a of figure 3) of partition plate (16 of figure 3) which projects from the base (15, 17 of figure 3) around the through-hole (36 of figure 3). See figures 1-7.

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**Regarding claims 16;** Takashima et al discloses the projecting portion (16a of figure 3) of the the partition plate (16 of figure 3) has a ring shape (figure 3).

**Regarding claim 17;** Takashima et al discloses the projecting portion (16a of figure 3) of the partition plate (16 of figure 3) is located on a circle coaxial (figure 3) with the through-hole (36 of figure 3).

**Regarding claim 18;** Takashima et al discloses the projecting portion (16a of figure 3) of the partition plate (16 of figure 3) projects axially of the through-hole (36 of figure 3).

**Regarding claim 19;** Takashima et al discloses the base (15, 17 of figure 3) has a disk shape.

**Regarding claim 20;** Takashima et al discloses the through-hole (36 of figure 3) is provided at a center of the base (17 figure 3).

**Regarding claim 21;** Takashima et al discloses the base (15, 17 of figure 3) has a recess (19 of figure 3), and the through-hole (36 of figure 3) is provided in the recess (15a of figure 3).

**Regarding claim 22;** Takashima et al discloses the base (15, 17 of figure 3) comprises a front surface (figure 3) and a rear surface (figure 3), and the projecting portion (16a of figure 3) of the partition plate (16 of figure 3) and the recess (15a, 15b of figure 3) are provided on the front surface (figure 3).

**Regarding claims 23 and 27;** Takashima et al discloses the base (15, 17 of figure 3) comprises a front surface and a rear surface (figure 3), and the projecting portion (16a of figure 3) of the partition plate (16 of figure 3) is provided on the front surface (figure 3), and further comprising a second projection portion (19 of figure 3) provided on the rear surface of the base (15, 17 figure 3), wherein the second projection portion (19 of figure 3) has a ring shape, and projects from the base (15, 17 of figure 3).

**Regarding claims 24-25;** Takashima et al the base (15, 17 of figure 3) and the projecting portion (16a) of the partition plate (16 of figure 3) are integral with each other and composed of a resin material (col.5 lines30-40 and col.9 lines 5-12).

**Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takashima et al (U.S. Patent No. 6,631,894) in view of Ikeda et al (U.S. Patent No. 5,190,269).**

**Regarding claim 26;** Takashima et al discloses all of figure of claimed invention except for a tapered interior wall which has an inner diameter progressively decreasing toward a proximal edge thereof away from a distal edge thereof. However, Ikeda et al

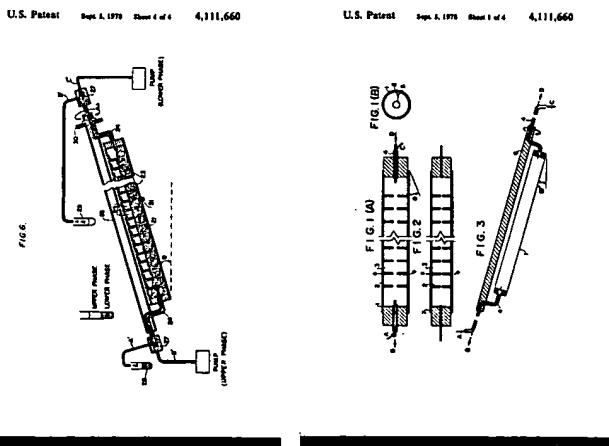
teaches that it is known in the art to provide a tapered interior wall (figure 1) of the projection (12a, 12b of figure 1) or damage prevention member which has an inner diameter progressively decreasing toward a proximal edge thereof away from a distal edge thereof (col.5 lines 1-16). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine partition member device of Takashima et al with a tapered interior wall which has an inner diameter progressively decreasing toward a proximal edge thereof away from a distal edge thereof as taught by Ikeda et al for the purpose of improving to conform to the rubber elastic member.

**Claims 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takashima et al (U.S. Patent No. 6,631,894) in view of Asakura (J.P. Patent No. 9304265).**

**Regarding claims 29-30;** Takashima et al discloses all of figure of claimed invention except for the detector comprises a measuring unit to be removably connected to a sample analyzer, wherein the sample is a blood sample. However, Asakura teaches that it is known in the art to provide the detector comprises a measuring unit to be removably connected to a sample analyzer, wherein the sample is a blood sample (abstract and figures 4 and 6). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine partition member device of Takashima et al with the detector comprises a measuring unit to be removably connected to a sample analyzer, wherein the sample is a blood sample as taught by Asakura for the purpose of measuring accurately the sample.

**Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kabasawa et al (U.S. Patent No. 4,111,660) in view of Takashima et al (U.S. Patent No. 6,631,894).**

**Regarding claim 1;** Kabasawa et al discloses a measuring unit comprising:  
a first member (figure 6 as indicate pump (lower phase)) having a first channel (C' of figure 6) through which a sample is allowed to pass;  
a second member (figure 6 as indicate pum [upper phase]) having a second channel (B' of figure 6) through which the sample is allowed to pass; and  
a partition member (22 of figure 6) having a through-hole (5 of figure 1B) through which the sample is allowed to pass from the first channel (figure 6 as indicate pump [lower phase]) to the second channel (figure 6 as indicate pump [upper phase]). See figures 1-6.



Kabasawa discloses all of figure of claimed invention except for the partition member comprises a base having the through-hole and a projection portion which projects from the base around the trough-hole. However, Takashima et al teaches that it

is known in the art to provide a partition member (10 of figure 3) comprising a base (i.e., a partition main member [15 of figure 3] and a partition retaining plate [17 of figure 3]) having a through-hole (36 of figure 3) through which a sample (e.g., liquid) is allowed to pass (figures 1-3); and a projecting portion (16a of figure 3) of partition plate (16 of figure 3) which projects from the base (15, 17 of figure 3) around the through-hole (36 of figure 3). See figures 1-7.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine measuring unit of Kabasawa et al with the partition member comprises a base having the through-hole and a projection portion which projects from the base around the trough-hole as taught by Takashima et al for the purpose of compositing an injection molded primary molding and an injection molded secondary molding of different material resin.

**Regarding claims 2-3;** Kabasawa discloses all of figure of claimed invention except for the projection is fitted in a space surrounded by the projecting portion around the through-hole, wherein one of the first and second members has a first recess for receiving the partition member. However, Takashima et al teaches that it is known in the art to provide the projection is fitted in a space surrounded by the projecting portion (16a of figure 3) around the through-hole (36 of figure 3), wherein one of the first and second members (15, 17 of figure 3) has a first recess (15a, 19 of figure 3) for receiving the partition member. It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine measuring unit of Kabasawa et al with the projection is fitted in a space surrounded by the projecting portion around the through-

hole, wherein one of the first and second members has a first recess for receiving the partition member as taught by Takashima et al for the purpose of compositing an injection molded primary molding and an injection molded secondary molding of different material resin.

**Regarding claims 4-8;** Kabasawa discloses all of figure of claimed invention except for the projecting portion has a ring shape or is located on a circle coaxial with the through-hole, wherein projects axially of the through-hole, the base has a disk shape, wherein the base has a recess, and through-hole is provide at a center of the base. However, Takashima et al teaches that it is known in the art to provide the projecting portion (16a of figure 3) of the partition plate (16 of figure 3) has a ring shape (figure 3), wherein the projecting portion (16a of figure 3) of the partition plate (16 of figure 3) is located on a circle coaxial (figure 3) with the through-hole (36 of figure 3), wherein the projecting portion (16a of figure 3) of the partition plate (16 of figure 3) projects axially of the through-hole (36 of figure 3) and the base (15, 17 of figure 3) has a disk shape and the through-hole (36 of figure 3) is provided at a center of the base (17 figure 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine measuring unit of Kabasawa et al with the projecting portion has a ring shape or is located on a circle coaxial with the through-hole, wherein projects axially of the through-hole, wherein the base has a recess, and through-hole is provide at a center of the base as taught by Takashima et al for the purpose of compositing an injection molded primary molding and an injection molded secondary molding of different material resin.

**Regarding claims 9-10;** Kabasawa discloses all of figure of claimed invention except for the base has a recess, and the through-hole is provided in the recess, wherein the base comprises a front surface and a rear surface, and the projecting portion and the recess are provided on the front surface. However, Takashima et al discloses the through-hole (36 of figure 3) is provided at a center of the base (17 figure 3), wherein the base (15, 17 of figure 3) has a recess (19 of figure 3), and the through-hole (36 of figure 3) is provided in the recess (15a of figure 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine measuring unit of Kabasawa et al with the base has a recess, and the through-hole is provided in the recess, wherein the base comprises a front surface and a rear surface, and the projecting portion and the recess are provided on the front surface as taught by Takashima et al for the purpose of compositing an injection molded primary molding and an injection molded secondary molding of different material resin.

**Regarding claims 11-13;** Nakazawa discloses all of features of claimed invention except for the base comprises a front surface and a rear surface, and the projecting portion is provide on the front surface, wherein the partition member further comprises a second projection portion provide on the rear surface, wherein the base and the projecting portion are integral with each other and composed of a resin. However, Takashima et al teaches that it is known in the art to provide the base (15, 17 of figure 3) comprises a front surface and a rear surface (figure 3), and the projecting portion (16a of figure 3) of the partition plate (16 of figure 3) is provided on the front surface (figure 3), and further comprising a second projection portion (19 of figure 3)

provided on the rear surface of the base (15, 17 figure 3), wherein the second projection portion (19 of figure 3) has a ring shape, and projects from the base (15, 17 of figure 3), wherein the base (15, 17 of figure 3) and the projecting portion (16a) of the partition plate (16 of figure 3) are integral with each other and composed of a resin material (col.5 lines30-40 and col.9 lines 5-12). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine measuring unit of Kabasawa et al with the base comprises a front surface and a rear surface, and the projecting portion is provide on the front surface, wherein the partition member further comprises a second projection portion provide on the rear surface, wherein the base and the projecting portion are integral with each other and composed of a resin as taught by Takashima et al for the purpose of compositing an injection molded primary molding and an injection molded secondary molding of different material resin.

**Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kabasawa et al andTakashima et al as applied to claim 1 above, and further in view of Spinell (U.S. Patent No. 5,351118).**

**Regarding claim 14;** Nakazawa and Takashima et al et al discloses all of figure of claimed invention except for the first and second electrodes provided in the first and second channels. However, Spinell teaches that it is known in the art to provide the first and second electrodes (5, 6 of figure2) provided in the first and second channels (figures 1 and 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine partition member device of Nakazawa with

the first and second electrodes provided in the first and second channels as taught by Spinell for the purpose of improving measured the sample with high speed.

***Response to Arguments***

Applicant's arguments with respect to claims 1-27 and 29-30 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Satori et al (6443438) discloses fluid-seal anti-vibration device; Takashima et al (6409158) discloses liquid filled type vibration absorbing device; Ide et al (5314173) discloses fluid-filled elastic mount having vacuum-receiving chamber member; Kojima (4925162) discloses vibration isolating devices; or Ushijima et al (4802658) discloses vibration isolating apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Nguyen whose telephone number is (571) 272-2425. The examiner can normally be reached on 9:30 am to 7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tarifu Chowdhury can be reached on (571) 272-2800 ext. 86. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Art Unit: 2886

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March 16, 2007

  
Sang H. Nguyen  
Primary Patent Examiner  
Art Unit 2886